



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Paul E. Salyer

Serial No.: 10/721,809

Filed: November 25, 2003

Title: ORTHOPAEDIC ROTARY REAMER
WITH IMPLANT COMPLIANT CUTTING
TEETH) Group: 3738
)
)
)) Examiner: J. Swiger III
)
)

AFFIDAVIT UNDER 37 C.F.R. 1.131

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Paul E. Salyer, swear:

1. I am the named inventor in the above-identified application, and a former employee at Symmetry Medical, Inc., assignee of record for the present invention.
2. The invention disclosure and associated tooling sketches and preliminary print for the above-identified application is hereby attached as **Attachment A** which rightfully indicates that the date of conception for the above-identified application is before January 16, 2002. This is specifically indicated on page 1 of **Attachment A** under "Conception Date", and by the dates on the tooling sketches and preliminary print.
3. The aforementioned date of conception for the above-identified application of before January 16, 2002 applies to claims 1-16 of the above-identified application.
4. Due diligence has been exercised since the date of conception both in reducing the invention to practice as shown in the invention disclosure (Attachment A) and in filing a patent application on November 25, 2003.

I, Paul E. Salyer, hereby swear that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Paul E. Salyer

Paul E. Salyer

Date: 12 - 19 - 2005

ATTACHMENT A



A Symmetry Medical Company
486 West 350 North
Warsaw, IN 46580
(219) 267-8700

FOR PATENT DEPT. USE

INVENTION DISCLOSURE

Date November 27, 2001

Docket _____

INVENTOR (*Name in full, Occupation, Citizenship*)

Paul Salyer – Vice President Design Consultant U.S.A.

RESIDENCE (*Street, City, County & State*)

486 W 350 N

Warsaw, IN 46580

SUBJECT OR TITLE OF INVENTION

Conception Date

A cutting tooth designed to cut with less chatter helping to make a smoother cut and to hold tighter tolerances.

Date of first sketch or drawing

September 12, 2001

First Disclosure to another person

September 14, 2001

To Whom?

Reese Myers

First sample was successfully tested

How close is this invention to production?

It is ready to use as of now.

1. What is the problem that has been solved? We were having problems with our cutters chattering and cutting oversize.

2. Is this problem a newly recognized problem or is it one that people have tried to solve before? If people have tried to solve the problem before, what to the best of your knowledge was unsatisfactory about their solution?

3. Who first thought of this new product or new way of manufacturing a product?

Paul Salyer, Todd Wolford, and Wade Stephenson

4. Did anyone else make substantial contributions (other than those who merely worked under your direction) toward making it work and what did they contribute?

Todd Wolford and Wade Stephenson

5. Are there any written records of the inception and development of the idea? Please identify these records for further reference.

We have hand drawn prints and programs for wire E.D.M. machines in a file.

6. Has anyone other than the persons listed above followed this development carefully enough to be able to describe the details of its progress? Yes No Who?

No

7. What is the best way known to you to manufacture this new product? In this section attach illustration, formula, and other physical information relative to the product.

8. Does this disclosure relate in any way to work, which you did for a previous employer? Yes No If yes, explain.

No

9. Signature and Witness:

Date November 27, 2001

Signature

Print Name Paul E. Salyer

Witness:

I have read this disclosure of invention and understand the contents of the disclosure. I have witnessed the signing of the disclosure.

Date November 27, 2001

Signature

Reese Myers

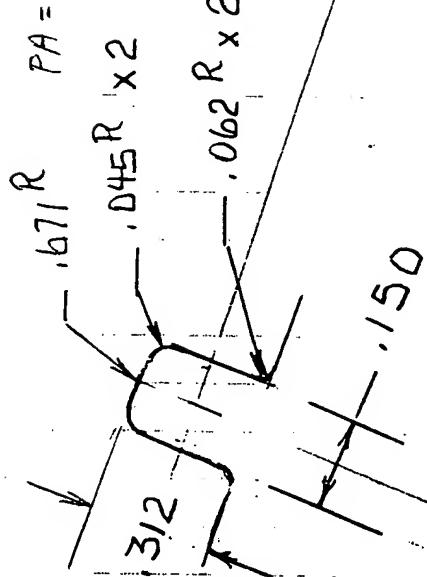
Print Name Reese Myers

Date November 27, 2001

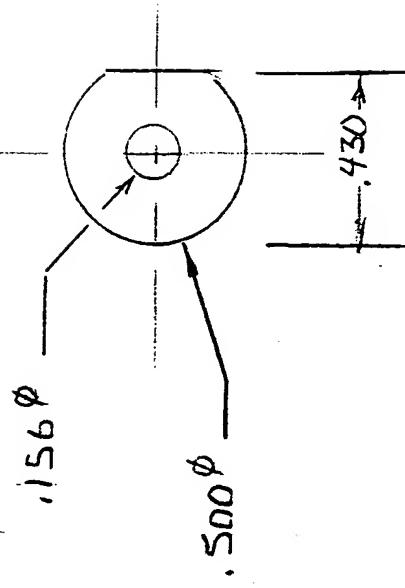
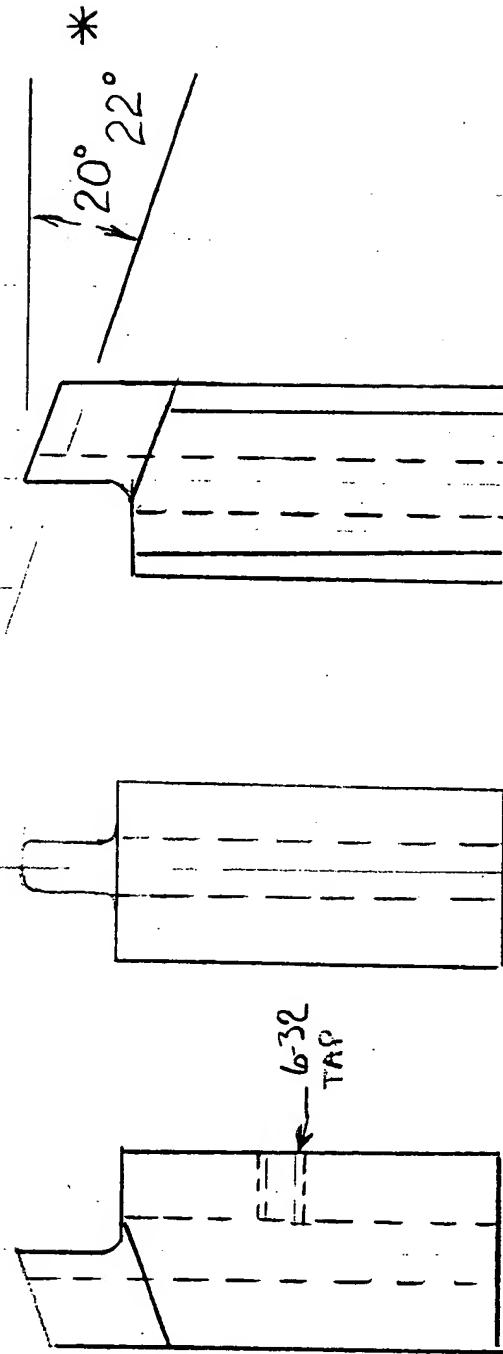
Signature

Roger Hand

Print Name Roger Hand



NOTE: * 20° FOR 46 MM CUPS AND ABOVE
 22° FOR 45 MM CUPS AND BELOW

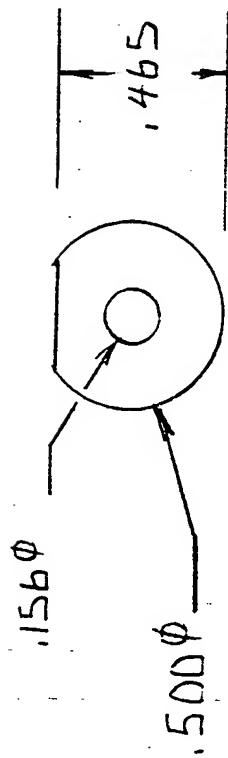
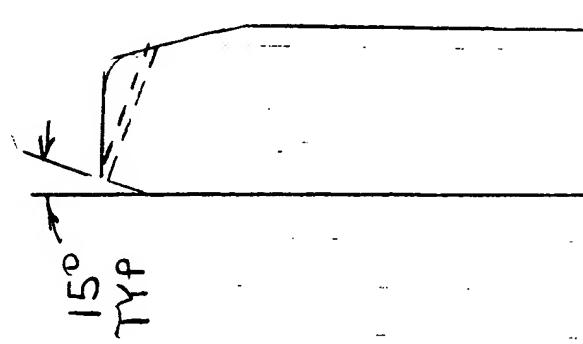
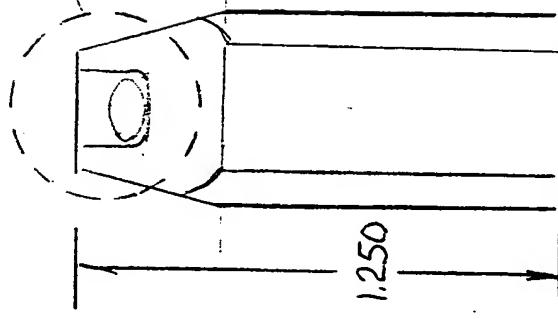
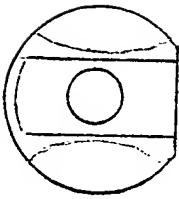
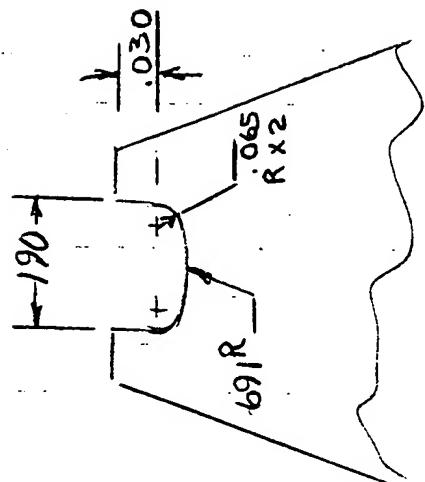


PUNCH
 SMOOTH-CUT
 ACETABULAR REAMER

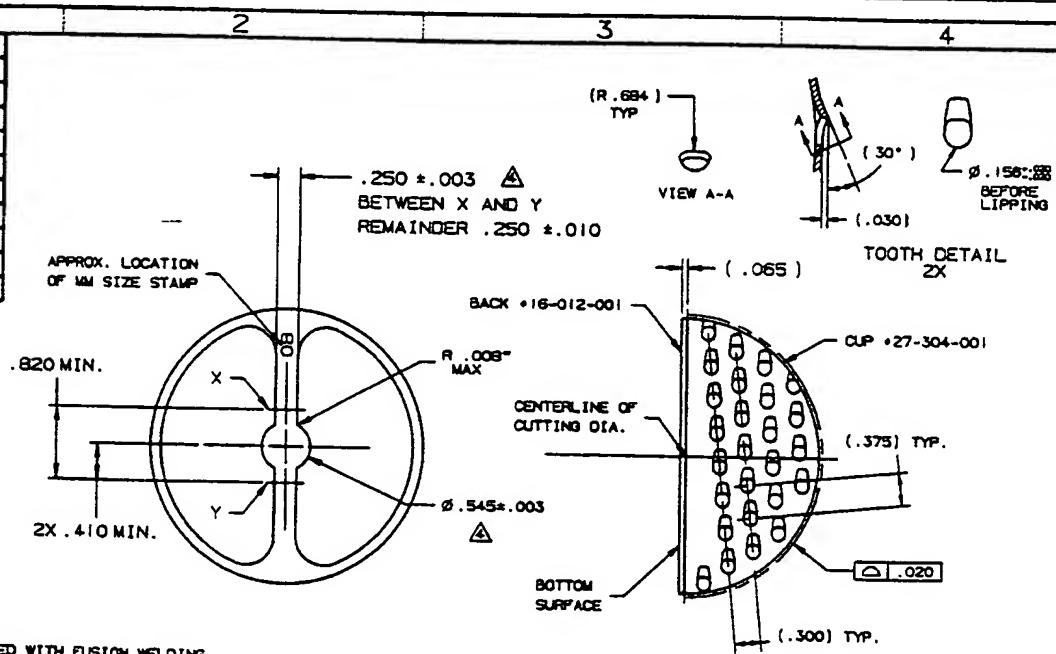
LIP TOOLING

Sept. 12, 2001/
 M.M. 1000

BUTTON
SMOOTH-CUT
ACETABULAR REAMER
LIP TOOLING
Sept 12, 2001
Mike Smith



| PART # | SIZE | CUT Ø |
|------------|------|-------|
| 27-304-071 | 71 | 2.795 |
| 27-304-072 | 72 | 2.835 |
| 27-304-073 | 73 | 2.874 |
| 27-304-074 | 74 | 2.913 |
| 27-304-075 | 75 | 2.953 |
| 27-304-076 | 76 | 2.992 |
| 27-304-077 | 77 | 3.031 |
| 27-304-078 | 78 | 3.071 |
| 27-304-079 | 79 | 3.110 |
| 27-304-080 | 80 | 3.150 |



PRELIMINARY PRINT

| | | |
|--------------|-------------|-------------------------------|
| PT | NEW DRAWING | DATE 11/29/01 |
| ZONE REV DCD | REV S | PRINT DATE |
| REFERENCE: | DRWNS BY | FILE NAME: R:\V081\27-304-000 |

| | | | |
|---|----------------|--|---------|
| OIHY | | PART NAME 71/B0M1 SMOOTH CUT BRIDGE BACK ACET REAMER | |
| MATERIAL: TRIMRITE | | HEAT TREAT: Re 47 MIN | |
| FINISH: SP/POLISHED | ENG: RAY H. | APP'D: | |
| TOLERANCES: .0000 -.0100 | DATE: 11/29/01 | SCALE: 1:1 | REV: P1 |
| DO NOT SCALE DRAWINGS | | DRAWING LAYOUT: 27-304-000 | |
| PRINT ALL PARTS & DRAFTS ON ONE SHEET UNLESS OTHERWISE SPECIFIED. | | | |